

United States Courts  
Southern District of Texas  
ENTERED

APR 04 2006

Michael N. Milby, Clerk of Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JOHN B. BERRY, TRUSTEE,

Plaintiff,

v.

WBS, INC. and SETH WILLIAMSON,

Defendants.

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CIVIL ACTION NO. H-05-1101

ORDER

Pending is John B. Berry, Trustee's Motion for Leave to File First Amended Petition for suit on written contract (Document No. 42) to which Defendant WBS, Inc. has filed its response in opposition. Also pending are Defendant's Motion to Continue Hearing set for April 6, 2006 (Document No. \_\_), Plaintiff's Uncontested Motion for Withdrawing Plaintiff's Motion for Temporary Injunction and Granting Plaintiff's Motion to File His First Amended Petition (Document No. 60), and Plaintiff's Motion to Quash Subpoena or Alternatively for Motion for Continuance (Document No. 59). After careful consideration of the submissions, it is

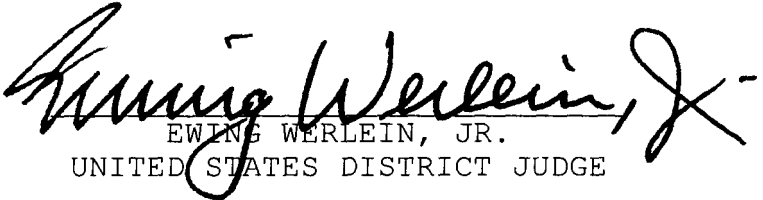
ORDERED that Plaintiff's Motion to Withdraw his Motion for Temporary Restraining Order Without Prejudice (Document No. 60) is GRANTED and Plaintiff's Motion for Preliminary Injunction (Document No. 31) is therefore WITHDRAWN without prejudice and the hearing previously set on such motion for April 6, 2006, is CANCELLED; and it is further

ORDERED that Plaintiff's Motion to Quash Subpoena served on George Reed and Alternative Motion for Continuance (Document No. 59) and Defendant's Motion to Continue Hearing Set for April 6, 2006 (Document No. \_\_) are all DENIED as moot. It is further

ORDERED that Plaintiff's Motion for Leave to File First Amended Petition for Suit on Written Contract is GRANTED, and Plaintiff's First Amended Petition for Suit on Written Contract at Document No. 43 is deemed FILED.

The Clerk shall notify all parties and provide them with a true copy of this Order.

SIGNED at Houston, Texas on this 4<sup>TH</sup> day of April, 2006.

  
EWING WERLEIN, JR.  
UNITED STATES DISTRICT JUDGE